

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

JERRY PETERS,)	
)	
Plaintiff,)	8:09CV368
)	
v.)	
)	
ONEOK, INC.,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on the motion of Edward D. Hotz to quash a subpoena served upon him by the defendant directing that he appear as a witness during the trial of this matter, which is scheduled to commence on Tuesday, September 7, 2010 (Filing No. [69](#)). The Court has reviewed the motion, the index of evidence, and the brief in support of the motion to quash, and held a hearing on August 30, 2010. During the hearing, the Court inquired of the attorney for the defendant what areas he was going to interrogate Mr. Hotz.

It is the Court's understanding that the defendant wishes simply to preserve some testimony regarding what documents may have been exchanged between Mr. Hotz and Mr. Peters. To that extent, the Court believes that Mr. Hotz should be required to testify, but because of the limited nature of the testimony, the Court will order that the testimony should be preserved by deposition, to be taken on or before Friday, September 3, 2010. Accordingly,

IT IS ORDERED that the motion to quash subpoena is granted subject to Mr. Hotz making himself available for a limited deposition on or before September 3, 2010.

DATED this 31st day of August, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court